

## **ENVIRONMENTAL HEARINGS OFFICE**

### **Minutes of Meeting August 18, 2008 10:00 a.m.**

The August 2008 meeting was called to order by Chair Kathy Mix in the Boards' office in Lacey, Washington. Present were Chair Kathy Mix, Board Members Bill Lynch and Andrea McNamara Doyle, Administrative Appeal Judges Phyllis Macleod and Cassandra Noble, Administrative Manager Robyn Bryant, Hearings Coordinator Debbie Joblonski and Administrative Secretary Janet Buechler. Administrative Appeals Judge Kay Brown was not present. Minutes of the July 2008 meeting were read and approved as corrected.

Handouts were distributed for review which included the pollution, shoreline, forest practice, hydraulic, and environmental and land use appeals filed, a brief summary of all cases that have closed and the Case Statistics Report.

#### **Appellate Update**

Chair Kathy Mix reported that there was one superior court appeal received this month, *Rech v. San Juan County & Ecology*, SHB No. 07-035, filed in King County.

It was also reported that the cases *Hammer v. Bainbridge Island*, SHB 07-018, Kitsap County Superior Court Cause No. 08-2-00013-5., has been appealed to the Court of Appeals and that *Cornelius v. Ecology*, PCHB No. 06-099, has filed for a Certificate of Appealability.

Kathy Mix also pointed out that the Board needed to be aware of the many recent Growth Management case decisions coming out of the Washington Court system.

#### **Financial Update**

Robyn Bryant reported that EHO's 2009-11 budget is ready to be submitted and there was no other significant financial information that needed to be discussed at this time.

## **Adjustments to State Agency Spending**

The August 4, 2008 Memo from Governor Gregoire regarding adjustments to agency spending was discussed. Robyn stated the hiring freeze does not affect this agency at this time because we are fully staffed and not expecting any coming vacancies. There was a discussion concerning travel costs. The state is looking at a 5% reduction target in petroleum usage across the board, not by any specific agency. Airline costs are not yet an issue. Robyn brought up the point that mileage costs from the Department of General Administration's (GA) motor pool are based on vehicle size and efficiency and that using the motor pool is still less expensive than the private mileage reimbursement. It was agreed a memo should be sent to the outside board members regarding fuel cost cuts.

Bill Lynch brought up the fact that the business of our agency is such that we need to continue to travel to the customer whenever feasible. Andrea Doyle stated that we are not at a point where we need to eliminate travel. Over the last budget period all boards used approximately 8,000 private miles and 3,000 motor pool miles. Many of the private miles are due to outside part-time board members who live in various parts of Washington and who do not have access to the GA motor pool.

Cassandra Noble requested that a memo be sent to GA concerning the parking problems at the motor pool and the need to sometimes keep the motor pool vehicle over night because of lack of parking when trying to return the car after 5 p.m.

Victor Moore's May 29, 2008 memo concerning saving fuel and controlling costs mentions the use of teleconferencing through DIS. Robyn will follow up with DIS as to the availability of this equipment for our use.

## **Customer Survey**

Due to the current state freeze on personal service contracts, the customer survey may be on hold. This will be brought up again at a later date.

## **EHO Website**

There is still a possibility of conducting a usability survey of customer use of our website by a representation of outside people.

Debbie Joblonski was asked to check with our web site provider about the cost to revise the EHO website to allow more specific searches. Andrea stated that a digest may serve the same purpose and this will also be followed up.

## **Cell Phone/Pager**

It was agreed that there was no longer a need to keep the office cell phone and pager for emergency purposes since most Board Members and Administrative Law Judges travel with personal cell phones. These services will both be eliminated. Board members and judges were

reminded of the importance of keeping in contact with the office, or being available by personal cell phone, when traveling on EHO business so that they can be contacted in case of an emergency.

### **Best Practices**

The current Recusal Policy was discussed. An additional procedure will be added to the policy to announce recusal to all parties involved.

Kathy Mix next discussed the Public Records policy. It was agreed that the policy needs to be rewritten to be more specific, especially concerning drafts and “non-records”. There was discussion concerning what constitutes disclosable material. Robyn will also check to see if the state is still working on its electronic records retention policy. If there is no state policy in effect, EHO needs to put a policy in place, in particular, a policy regarding laptops, home pc’s and e-mail.

Kathy, Phyllis and Robyn will work to put together a more formal, written policy.

### **Announcements**

Kathy reported that the Board was contacted by a reporter for the Lehrer NewsHour wanting to film a segment with the Board concerning the recent Phase I Municipal Stormwater decision. Kathy explained to him that the rules of Judicial Conduct do not allow for the Board to comment on their decision-making process.

Andrea also reported that the Phase I decision was also reported on by an international environmental news association.

Meeting adjourned.

Janet Buechler  
Administrative Secretary